

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SPENCER,

Plaintiff,

v.

Case No. 11-13107
Hon. Victoria A. Roberts

ABIGAIL CALLEJAS, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO
ALTER OR AMEND JUDGMENT (DOC. 51)**

Before the Court is Mr. Spencer's Motion to Alter or Amend Judgment. Although Mr. Spencer mentions Federal Rule of Civil Procedure 59(e) and titles his motion under that rule, he effectively seeks reconsideration of the Court's February 21, 2013 Order, which adopted the Magistrate Judge's Reports and Recommendations and dismissed his case.

Local Rule 7.1(h)(3) provides the Court's standard of review:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3).

Palpable defects are those which are "obvious, clear, unmistakable, manifest or plain." *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002). "It is an exception to the norm for the Court to grant a motion for reconsideration."

Maiberger v. City of Livonia, 724 F. Supp. 2d 759, 780 (E.D. Mich. 2010). "[A]bsent a significant error that changes the outcome of a ruling on a motion, the Court will not provide a party with an opportunity to relitigate issues already decided." *Id.*

Mr. Spencer argues that the Court should reconsider its Order for two reasons: (1) he is in danger of serious injury due to the breakdown in prisoner classifications; and (2) the Magistrate Judge did not address his claim that the parole board is unjustly denying him a "written substantial and compelling reason to deny parole."

Mr. Spencer has not met his burden to show a palpable defect which if corrected would result in a different disposition the Court's Order. His argument regarding prisoner classifications is a new claim which was never part of his amended complaint. In addition, the Magistrate Judge held, and this Court upheld his findings, that Mr. Spencer has no right to parole; this issue has been litigated. Mr. Spencer is not entitled to relief under Local Rule 7.1(h)(3).

Plaintiffs' motion is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 15, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and William Spencer by electronic means or U.S. Mail on March 15, 2013.

S/Linda Vertriest
Deputy Clerk